

Notice of Allowability	Application No.	Applicant(s)	
	10/594,181	BURTON ET AL.	
	Examiner	Art Unit	
	JOSHUA T. KENNEDY	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment of 1/11/2010 and interviews of 1/19/2010 and 1/21/2010.
2. ☒ The allowed claim(s) is/are 2-4,6-19 and 21-27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

/JTK/
Examiner, Art Unit 3679

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Christopher Brown on 1/21/2010.

The application has been amended as follows:

Claim 2, Line 2: "finlike" has been changed to --fin-shaped--

Claim 7, Line 1: "finlike" has been changed to --fin-shaped--

Claim 10, Line 2: "finlike" has been changed to --fin-shaped--

Claim 11, Lines 6-7: "said luer fitting...said rim" has been deleted and replaced with --said luer fitting member having a rotary mount adjacent said rim defining a recess with a cylindrical rotational surface--.

Claim 11, Line 17: --, and to position said protrusion in said recess such that said locking member is freely rotatable with respect to said rotational surface-- has been inserted between "member" and ".".

Claim 14, Lines 6-7: "said one of the male or female luer fitting...opposite said rim" has been deleted and replaced with --said luer fitting member having a rotary mount adjacent said rim defining a recess with a cylindrical rotational surface--.

Claim 14, Line 18: --, and to position said protrusion in said recess such that said locking member is freely rotatable with respect to said rotational surface-- has been inserted between "member" and ".".

Claim 17, Line 2: "finlike" has been changed to --fin-shaped--

Claim 20 has been canceled.

Claim 21, Line 2: --having an external surface adapted to contact the inside of a female luer fitting member when said male luer fitting member is assembled with said locking member-- has been inserted between "male luer fitting member" and ".".

Claim 25, Lines 5-6: "the luer fitting...opposite said rim" has been deleted and replaced with --said luer fitting member having a rotary mount adjacent said rim defining a recess with a cylindrical rotational surface--.

Claim 25, Lines 13-14: "snapping over said...of said protrusion" has been changed to --snapping over said conical restraining surface and positioned in said recess such that said locking member has a freely rotatable fit with respect to the rotational surface when said rim is proximal of said protrusion--.

The following is an examiner's statement of reasons for allowance:

The primary reason for the allowance of the claims is that the prior art of record neither teaches nor suggests the inclusion of the limitation of a luer locking member being slid onto a luer fitting member from a rearward end to a forward end such that a protrusion of the locking member snaps over a conical restraining surface such that said locking member has a freely rotatable fit with respect to the rotational surface when said rim is proximal of said protrusion (Claim 11, Lines 13-17; Claim 14, Lines 14-18 and Claim 25, Lines 11-16). The closest prior art of record, Johnson, Fitoussi et al, Peters et al and Guala taken as a whole, disclose a luer lock significantly as claimed, but does not provide any teaching, suggestion, or motivation to modify the prior art as such. There is no cogent reasoning that is unequivocally independent of hindsight that would have led one of ordinary skill in the art at the time the invention was made to modify the prior art to obtain the applicant's invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA T. KENNEDY whose telephone number is (571)272-8297. The examiner can normally be reached on M-F: 7:30am - 4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joshua T. Kennedy/
Examiner, Art Unit 3679
1/21/2010

/Daniel P. Stodola/
Supervisory Patent Examiner, Art Unit 3679